FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.5900/2007
IN
WRIT PETITION NO.1845/2001

Mohan s/o Kashinath Kashyap
...Versus...
Jitendra s/o Sukdeo Dshengre

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

(Shri S.J. Khandalkar, Adv. for petitioner)
(Shri P.B. Patil, Adv. for respondent)

CORAM:- A.B. CHAUDHARI, J.
DATED :- 22.08.2007.

This civil application has been taken out by the applicant/petitioner for grant of extension of time for vacating the suit premises.

Advocate Shri Khandalkar for applicant/petitioner - tenant states that by way of last chance his client may be granted three months' time to vacate the premises.

Advocate Shri P.B. Patil for respondent strongly opposed the request made by Counsel for applicant and

states that the applicant/petitioner – tenant is not entitled to such relief. He then submits that the applicant/petitioner is in huge arrears of rent and, therefore, this application deserves to be dismissed.

Having heard Counsel for the rival parties, I find that due to inability of the applicant/petitioner to find out alternate accommodation, humanely approach is required to be taken but that should be by way of last chance.

In view of this position, following order would subserve the ends of justice.

Civil Application is partly allowed. The applicant/petitioner is granted two months' time to vacate the premises in question. The applicant/petitioner shall vacate the premises in question on or before midnight of 22.10.2007, failing which the respondent/landlord would be entitled to evict him from the premises. Besides that, the applicant/petitioner shall file an undertaking in this Court within a period of two weeks from today and upon failure to file such undertaking, this Court would start contempt proceedings against him. It is further made clear that the applicant/petitioner shall deposit Rs.9,000/- towards arrears of rent plus Rs.2,000/- in the Trial Court within fifteen days from today. After deposit of the same in the Trial Court, the respondent/landlord shall be allowed to withdraw the same.

If the amount is not deposited within fifteen days,

the respondent/landlord is at liberty to enforce the decree. The warrant, if taken out, shall not be executed.

CIVIL APPLICATION NO.4322/2007

In view of the order passed on C.A. No.5900/2007, this civil application is rendered infructuous. Hence, Civil Application is disposed of as infructuous.

WRIT PETITION NO.1845/2001

In view of the above events, Advocate Shri Khandalkar for petitioner makes a statement that the writ petition has itself become infructuous. Statement is accepted.

Writ Petition is dismissed as infructuous. Rule is discharged. No order as to costs.

JUDGE

ssw